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DALINA LAW GROUP, P.C. 7910 IVANHOE AVE. #325 LA JOLLA, CA 92037			PATEL, HARESH N	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/710,654

Applicant(s)

BARTHOLOMEW, ALAN

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 83-131 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 83-131 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/27/2002, 8/27/2002</u>
y.f. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-131 are presented for examination. Claims 1-82 are cancelled. Claims 83-131 are newly presented.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The present title is not sufficient for proper classification of the claimed subject matter.

The following title is suggested: "Creation of media listings on media server for media playback".

Drawings

3. Formal figure 9 containing original contents, dated 11/10/2000, needs to be submitted.

Information Disclosure Statement

4. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 2/27/2002 and 8/27/2002, is attached to the instant Office action.

Response to Amendment

5. The amendment filed 04/15/2002 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall

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introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

- a) figure 9, addition of “link between Web Page Server and Media File Server”;
- b) newly presented limitations, “media on media server wherein said media is capable of playback from said media server”, and “said at least one references are associated for playback as an atomic unit via said mediagram”, of claim 83;
- c) newly presented limitations, “media from a media server wherein said media is capable of playback”, and “media associated as an atomic unit via said mediagram”, of claim 88;
- d) newly presented limitations, “client plugin generates a unique code for identifying said client plugin to said second computer system”, of claim 107;
- e) newly presented limitations, “to enable publication via a web page”, of claim 112;
- f) newly presented limitations, “obtaining exactly one reference to media on a media server wherein said media is capable of playback from said media server using said reference”, and “references are associated for playback as an atomic unit via said mediagram”, of claim 117;
- g) newly presented limitations, “volunteer peer computer”, of claim 130;
- h) newly presented limitations, “portable client computer”, of claim 131.

Applicant is required to cancel the new matter, to avoid abandonment of this application, in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

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pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 83, 88, 107, 112, 117, 130 and 131 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art to use and/or make the invention.

7. The specification does not contain subject matter to implement limitations, “media on media server wherein said media is capable of playback from said media server”, and “said at least one references are associated for playback as an atomic unit via said mediagram”, as cited in claim 83. The specification discloses “playback of media”, and “mediagram is treated as an atomic unit”, respectively, which has a different scope compared to the claimed limitations.

8. The specification does not contain subject matter to implement limitations, “media from a media server wherein said media is capable of playback”, and “media associated as an atomic unit via said mediagram”, as cited in claim 88. The specification discloses “playback of media”, and “mediagram is treated as an atomic unit”, respectively, which has a different scope compared to the claimed limitations.

9. The specification does not contain subject matter to implement limitations, “client plugin generates a unique code for identifying said client plugin to said second computer system”, as cited in claim 107. The specification discloses, “the client application obtains its unique identifier generated during the installation process from its execution environment's registry”, which has a different scope compared to the claimed limitations.

10. The specification does not contain subject matter to implement limitations, “to enable publication via a web page”, as cited in claim 112. The specification discloses, “to publish

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content on the other account holders media file”, which has a different scope compared to the claimed limitations.

11. The specification does not contain subject matter to implement limitations, “obtaining exactly one reference to media on a media server wherein said media is capable of playback from said media server using said reference”, and “references are associated for playback as an atomic unit via said mediagram”, as cited in claim 117. The specification discloses, “playback of media”, “at least one reference to media as in claim 83” and “mediagram is treated as an atomic unit”, respectively, which has a different scope compared to the claimed limitations.

12. The specification does not contain subject matter to implement limitations, “volunteer peer computer”, as cited in claim 130. The specification discloses, “the user volunteers, their computer could act as a distribution point for the file”, which has a different scope compared to the claimed limitations.

13. The specification does not contain subject matter to implement limitations, “portable client computer”, as cited in claim 131. The specification discloses, “personal client computer”, which has a different scope compared to the claimed limitations.

Examiner has reviewed the specification (OCR whole document) and could not find support for the additional limitations as claimed.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

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14. Claims 83, 88, 89, 94, 95, 96 and 117 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 83 recites the limitations, “said at least one references”, “said ordered lists”, “said media”. There is insufficient antecedent basis for this limitation in the claim. Since, multiple media (at least one reference to media, media server, media attributes) exist in the claim it is not clear which media is referred by theses limitations.

Claim 88 recites the limitations, “said media”, “said user”. There is insufficient antecedent basis for this limitation in the claim. Since, multiple media (at least one reference to media, media server, media attributes) and multiple user (list to a user, a set of user behaviors, a user via said links) exist in the claim it is not clear which media and user is referred by theses limitations.

Claim 89 recites the limitations, “said user of said at least one third computer system”. There is insufficient antecedent basis for this limitation in the claim.

Claim 94, 95 and 96 recites the limitations, “said ranking”. There is insufficient antecedent basis for this limitation in the claim.

Claim 117 recites the limitations, “said at least one references”, “said ordered lists”, “said media”, “said creator-user”. There is insufficient antecedent basis for this limitation in the claim. Since, multiple media (at least one reference to media, media server, media attributes) and multiple creator-user (creator-user behaviors, a creator-user for selection) exist in the claim it is not clear which media and creator-user is referred by theses limitations.

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15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 83, 87, 88, 117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffert et al., 6,374,260, Magnifi, Inc., (Hereinafter Hoffert-Magnifi) in view of Knapp et al., 6,769,010, HowZone (Hereinafter Knapp-HowZone) and Mediagram Inc., 1999, page 1, (Hereinafter Mediagram-Inc).

17. As per claim 83, Hoffert-Magnifi discloses a method (e.g., col., 3, lines 1-19) for sharing media (e.g., col., 4, lines 34 – 45) to play (e.g., col., 3, lines 36 – 44) comprising:

obtaining at least one reference (e.g., col., 4, lines 51 – 67) to media on a media server (e.g., col., 8, lines 40 – 67) wherein said media (e.g., col., 4, lines 34 – 45) is capable of playback (e.g., col., 14, lines 48 – 67) from said media server (e.g., col., 8, lines 40 – 67) using said at least one reference (e.g., col., 4, lines 51 – 67);

creating an object (e.g., figure 4A, col., 6, lines 51 – 67) of said media (e.g., col., 4, lines 34 – 45) to play (e.g., col., 3, lines 36 – 44) comprising said at least one reference (e.g., col., 4, lines 51 – 67) to said media on said media server (e.g., col., 8, lines 40 – 67) and a set of media attributes (e.g., col., 7, lines 20 – 34), wherein said media attributes (e.g., col., 7, lines 20 – 34), and said at least one references (e.g., col., 4, lines 51 – 67) are associated for playback (e.g., col., 3, lines 36 – 44) as an atomic unit via said object (e.g., col., 6, lines 36 – 49); referencing said object reference (e.g., col., 4, lines 51 – 67) in an ordered list of items (e.g., col., 15, lines 20 –

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32) for playback wherein said ordered list (e.g., col., 15, lines 20 – 32) is organized in accordance with a set of behaviors or criteria (e.g., col., 14, lines 18 – 38),

obtaining a set of said ordered lists (e.g., col., 15, lines 20 – 32);

presenting to a user for selection (e.g., col., 4, lines 23 – 39) said set of said ordered lists (e.g., col., 15, lines 20 – 32);

navigating said set of ordered lists (e.g., col., 4, lines 23 – 39);

retrieving said media (e.g., col., 10, lines 10 – 24) for playback (e.g., col., 3, lines 36 – 44) when said user selects an item (e.g., col., 4, lines 23 – 39) from said object.

However Hoffert-Magnifi does not specifically mention about altering the list based on actions of said user.

Knapp-HowZone discloses altering the list based on actions of said user (e.g., col., 7, lines 11 – 31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hoffert-Magnifi with the teachings of Knapp-HowZone in order to facilitate altering the list based on actions of said user because the user actions would support making changes to the list. The changed list would support providing information including the changes for media playback.

Hoffert-Magnifi and Knapp-HowZone do not specifically mention about the object being mediagram.

Mediagram-Inc discloses mediagram (e.g., page 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hoffert-Magnifi and Knapp-HowZone with the teachings

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of Mediagram-Inc in order to facilitate mediagram because the usage of mediagram would help access media information. The media information would provide media play to the user.

18. As per claim 87, Hoffert-Magnifi, Knapp-HowZone and Mediagram-Inc disclose the claimed limitations rejected under claim 83. Hoffert-Magnifi also discloses said media comprises audio data (e.g., col., 3, lines 34 – 44).

19. As per claim 88, Hoffert-Magnifi, Knapp-HowZone and Mediagram-Inc disclose the claimed limitations rejected under claim 83.

Hoffert-Magnifi also discloses receiving links (e.g., col., 4, lines 51 – 67) from a media server (e.g., col., 8, lines 40 – 67),

transferring (e.g., col., 5, lines 60 – 67) said object to a second computer system (e.g., col., 5, lines 60 – 67) via a communication network (e.g. col., 3, lines 2 – 9);

storing (e.g., col., 3, lines 34 – 42) said object at said second computer system (e.g., col., 5, lines 60 – 67);

referencing (e.g., col., 4, lines 51 – 67) said object in a list served via said second computer system (e.g., col., 5, lines 60 – 67);

displaying (e.g., col., 14, lines 48 – 67) said list (e.g., col., 15, lines 20 – 32) to a user on another computer (e.g., col., 4, lines 23 – 39) in a way that allows said user to select entries (e.g., col., 4, lines 23 – 39) on said list (e.g., col., 15, lines 20 – 32); and obtaining (e.g., col., 14, lines 48 – 67) said media for playback (e.g., col., 3, lines 36 – 44) from said second computer system (e.g., col., 5, lines 60 – 67) upon selection by said user (e.g., col., 4, lines 23 – 39).

20. As per claim 117, Hoffert-Magnifi, Knapp-HowZone and Mediagram-Inc disclose the claimed limitations rejected under claim 83. Hoffert-Magnifi also discloses creator-user (e.g., col., 6, lines 28 – 42).

21. Claims 84-86, 89-104, 114, 116, 118-124 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffert-Magnifi, Knapp-HowZone and Mediagram-Inc in view of Meadway et al., Arcessa Inc., 6,675,205 (Hereinafter Meadway-Arcessa).

22. As per claims 84 and 118, Hoffert-Magnifi, Knapp-HowZone and Mediagram-Inc disclose the claimed limitations rejected under claim 83. However, Hoffert-Magnifi, Knapp-HowZone and Mediagram-Inc do not specifically mention about a second set of ordered lists.

Meadway-Arcessa discloses a second set of ordered lists (e.g., col., 7, lines 38 – 56, figures 10, 21, 26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hoffert-Magnifi, Knapp-HowZone and Mediagram-Inc with the teachings of Meadway-Arcessa in order to facilitate a second set of ordered lists because it would help access additional media information. The additional media information would provide media play to the user.

23. As per claims 85, 86, 89-92, 119, 120, 118-124, Hoffert-Magnifi, Knapp-HowZone and Mediagram-Inc disclose the claimed limitations rejected under claims 83 and 88. However, Hoffert-Magnifi, Knapp-HowZone and Mediagram-Inc do not specifically mention about a

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second set of attributes, a second set of at least one references and references to a third set of ordered lists.

Meadway-Arcessa discloses a second set of attributes, a second set of at least one references and references to a third set of ordered lists (e.g., col., 7, lines 38 – 56, figures 10, 21, 26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hoffert-Magnifi, Knapp-HowZone and Mediagram-Inc with the teachings of Meadway-Arcessa in order to facilitate a second set of attributes, a second set of at least one references and references to a third set of ordered lists because it would help access additional media information. The additional media information would provide media play to the user.

24. As per claim 93, Hoffert-Magnifi, Knapp-HowZone and Mediagram-Inc disclose the claimed limitations rejected under claim 89. However, Hoffert-Magnifi, Knapp-HowZone and Mediagram-Inc do not specifically mention about order the object within the list based on ranking.

Meadway-Arcessa discloses order the object within the list based on ranking (e.g., col., 20, lines 48 – 65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hoffert-Magnifi, Knapp-HowZone and Mediagram-Inc with the teachings of Meadway-Arcessa in order to facilitate order the object within the list based on ranking because the ranking concept would enhance listing content within the list. The

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listing of the content would help access media information. The media information would provide media play to the user.

25. As per claims 94-96, Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa disclose the claimed limitations rejected under claim 89. Hoffert-Magnifi also discloses list is determined by a creator (e.g., col., 4, lines 25 – 38).

26. As per claim 97, Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa disclose the claimed limitations rejected under claim 89. Hoffert-Magnifi also discloses usage of a database (e.g., col., 4, lines 25 – 38).

27. As per claim 98, Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa disclose the claimed limitations rejected under claim 89. Hoffert-Magnifi also discloses usage of downloading (e.g., col., 6, lines 1 - 15).

28. As per claim 99, Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa disclose the claimed limitations rejected under claim 89. Hoffert-Magnifi also discloses usage of streaming server (e.g., col., 6, lines 1 - 15).

29. As per claims 100 and 101, Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa disclose the claimed limitations rejected under claim 89. Meadway-Arcessa also discloses usage of peer computer (e.g., col., 3, lines 16 - 32).

30. As per claims 102, Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa disclose the claimed limitations rejected under claim 89. Hoffert-Magnifi also discloses usage of format conversion (e.g., col., 11, lines 50 - 59).

31. As per claims 103 and 104, Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa disclose the claimed limitations rejected under claim 89. Meadway-Arcessa also discloses usage of email message (e.g., col., 12, lines 30 - 42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hoffert-Magnifi, Knapp-HowZone and Mediagram-Inc with the teachings of Meadway-Arcessa in order to facilitate usage of email message because the email message would enhance communicating information between two devices. The communicating information would help access media information.

32. As per claim 114, Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa disclose the claimed limitations rejected under claim 89. Hoffert-Magnifi also discloses usage of photo data (e.g., col., 3, lines 36 - 45).

33. As per claim 116, Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa disclose the claimed limitations rejected under claim 89. Hoffert-Magnifi also discloses a creator controls contents of the ordered list (e.g., col., 6, lines 18 - 32).

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34. As per claim 121, Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa disclose the claimed limitations rejected under claim 89. Hoffert-Magnifi also discloses usage of three frame display (e.g., col., 13, lines 18 – 58).

35. Claims 105, 110 and 111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa in view of Knapp et al., 2005/0021611 (Hereinafter Knapp).

36. As per claims 105, 110 and 111, Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa disclose the claimed limitations rejected under claim 89. However, Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa do not specifically mention about registering information for authenticating access.

Knapp discloses concept of registering information for authenticating access (e.g., paragraph 331).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa with the teachings of Knapp in order to facilitate registering information for authenticating access because the authentication would support user access to the information that is specific to the user.

37. Claims 106-109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa in view of Atsmon et al., Beepcard Inc., 6,607,136 (Hereinafter Atsmon-Beepcard).

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38. As per claims 106-109, Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa disclose the claimed limitations rejected under claim 89. However, Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa do not specifically mention about usage of plug-in.

Atsmon-Beepcard discloses concept of plug-in usage (e.g., paragraphs 507, 529).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa with the teachings of Atsmon-Beepcard in order to facilitate usage of plug-in because the plug-in would support access information from other device. The information from the other device would support client device for browsing.

39. Claim 112 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa in view of Tuatini, 2002/0032783 (Hereinafter Tuatini).

40. As per claim 112, Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa disclose the claimed limitations rejected under claim 89. However, Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa do not specifically mention about publication via a web page.

Tuatini discloses concept of publication via a web page (e.g., paragraph 112).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa with the teachings of Tuatini in order to facilitate publication via a web page

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because the web page would provide published information. The published information would be displayed on the client device for viewing.

41. Claims 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa in view of Grasso et al., 5,892,909 (Hereinafter Grasso).

42. As per claims 113, Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa disclose the claimed limitations rejected under claims 89. However, Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa do not specifically mention about granting permission for publishing.

Grasso discloses granting permission for publishing (e.g., paragraph 169).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa with the teachings of Grasso in order to facilitate granting permission for publishing because the permission would allow publishing of the information. The published information would be displayed on the client device for viewing.

43. Claim 115 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa in view of Wood et al., 2004/0128697 (Hereinafter Wood).

44. As per claim 115, Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa disclose the claimed limitations rejected under claims 89 and 114. However, Hoffert-

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Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa do not specifically mention about resizing photo data prior to uploading.

Wood discloses concept of resizing photo data prior to uploading (e.g., paragraph 65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa with the teachings of Wood in order to facilitate resizing photo data prior to uploading because the resizing would decrease or increase the size of the information that needs to be sent to the other device. Adjusting the size at the sending device would eliminate resizing at the receiving device.

45. Claims 125-127 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa in view of Marvit et al., 6,625,734 (Hereinafter Marvit).

46. As per claims 125-127, Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa disclose the claimed limitations rejected under claim 122. However, Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa do not specifically mention about usage of digital certificate and offline viewing.

Marvit discloses usage of digital certificate and offline viewing (e.g., paragraph 104 and 114).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa with the teachings of Marvit in order to facilitate usage of digital certificate

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and offline viewing because the digital certificate would provide secure transmission of information between devices. The offline viewing would provide information when the device is not online.

47. Claims 128 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa in view of Stern, 6,591,247 (Hereinafter Stern).

48. As per claims 128, Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa disclose the claimed limitations rejected under claim 122. However, Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa do not specifically mention about usage of digital certificate and offline viewing.

Stern discloses usage of a single file for distribution (e.g., paragraph 38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa with the teachings of Stern in order to facilitate usage of a single file for distribution because the single file would eliminate having multiple files transmitted from one device to another. The single file would provide all distribution information at the receiving device.

49. Claims 129, 130 and 131 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa in view of "Official Notice".

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50. As per claims 129, 130 and 131, Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa disclose the claimed limitations rejected under claims 117. However, Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa do not specifically mention about volunteering a computer device and usage of a portable client computer. "Official Notice" is taken that both the concept and advantages of volunteering a computer device is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include volunteering a computer device with the teachings of Hoffert-Magnifi, Knapp-HowZone, Mediagram-Inc and Meadway-Arcessa in order to facilitate usage of the volunteering a computer and usage of a portable client computer because volunteering would provide the device that can be used for acting as a distribution point. Being a distribution point would support providing information to other connected devices. The portable device would provide handy device that can be carried by a user.

Conclusion

51. The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

May 29, 2005



JOHN FOLLANSBEE
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